

PTO/SB/01 (6-95) (modified)

Approved for use through 10/31/96 OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0010/PTO Rev. 6/95		U.S. Department of Commerce Patent and Trademark Office	
<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b>		Attorney Docket Number <b>5036</b>  First Named Inventor <b>Stewart Kevin Hester</b>  <i>COMPLETE IF KNOWN</i>  Application Number <b>Not Yet Known</b>  Filing Date <b>August 23, 2000</b>  Group Art Unit <b>Not Yet Known</b>  Examiner Name <b>Not Yet Known</b> <b>RECEIVED</b>	
<input checked="" type="checkbox"/>	Declaration Submitted with Initial Filing	OR	<input type="checkbox"/> Declaration Submitted after Initial Filing

**As a below named inventor, I hereby declare that:**

**My residence, post office address, and citizenship are as stated below next to my name.**

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## FAULT DETECTION AND ISOLATION IN AN OPTICAL NETWORK

**the specification of which** *(Title of the Invention)*

[X] is attached hereto

OR

[ ] was filed on (MM/DD/YYYY) [ \_\_\_\_\_ ] as United States Application Number or PCT International Application Number [ \_\_\_\_\_ ] and was amended on (MM/DD/YYYY) [ \_\_\_\_\_ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.		
Application Number(s)	Filing Date (MM/DD/YYYY)	<input checked="" type="checkbox"/> Additional provisional application numbers are listed on a supplemental sheet attached hereto.
60/152,138	08/24/1999	

## DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

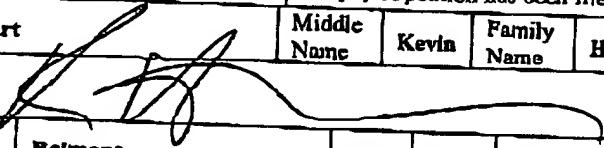
Name	Registration Number	Name	Registration Number
Greg T. Sueoka	33,800	Edward A. Van Gieson	44,386

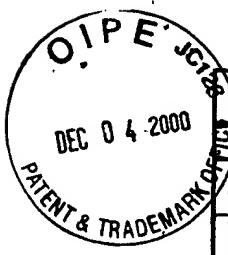
Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.  
Please direct all correspondence to:

Edward A. Van Gieson  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
U.S.A.

Telephone	(650) 858-7997	Fax	(650) 494-1417
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name	Stewart	Middle Name	Kevin	Family Name	HESTER		Suffix e.g. Jr.
Inventor's Signature						Date	8/23/2000
Residence: City	Belmont	State	CA	Country	USA	Citizenship	USA
Mailing Address	3619 Hillcrest Drive						
Mailing Address							
City	Belmont	State	CA	Zip	94002	Country	USA
<input checked="" type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto							



DEC 04 2000

DECLARATION					ADDITIONAL INVENTOR(S) Supplemental Sheet					
Name of Additional Joint Inventor, if any:					<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name	Todd	Middle Initial		Family Name	Beine			Suffix e.g. Jr.		
Inventor's Signature	<i>Todd Beine</i>					Date	Aug 23, 2000			
Residence: City	Los Gatos		State	CA	Country	USA		Citizenship	USA	
Mailing Address	5126 Selinda Way									
Mailing Address										
City	Los Gatos		State	CA	Zip	95032	Country	USA		
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Rainer	Middle Initial	Robert	Family Name	Iroshko			Suffix e.g. Jr.		
Inventor's Signature	<i>Rainer Iroshko</i>					Date	Aug 23 2000			
Residence: City	Sunnyvale		State	CA	Country	USA		Citizenship	Canadian	
Mailing Address	705 San Conrado Terrace, Apt. 3									
Mailing Address										
City	Sunnyvale		State	CA	Zip	94086	Country	USA		
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Kent Wilfred	Middle Initial	George	Family Name	Ryhorchuk			Suffix e.g. Jr.		
Inventor's Signature	<i>Kent Ryhorchuk</i>					Date	Aug 23, 2000			
Residence: City	Sunnyvale		State	CA	Country	USA		Citizenship	Canadian	
Mailing Address	120 E. Remington Drive, #415									
Mailing Address										
City	Sunnyvale		State	CA	Zip	94087	Country	USA		
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name		Middle Initial		Family Name				Suffix e.g. Jr.		
Inventor's Signature						Date				
Residence: City			State		Country			Citizenship		
Mailing Address										
Mailing Address										
City			State		Zip		Country			
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto										

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UNITED STATES DEPARTMENT OF COMMERCE

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OCTOBER 19, 2000

FENWICK & WEST LLP  
EDWARD A. VAN GIESON  
2 PALO ALTO SQUARE  
PALO ALTO, CA 94306

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FENWICK & WEST LLP



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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,  
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,  
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/23/2000

REEL/FRAME: 011038/0052  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:  
HESTER, STEWART KEVIN

DOC DATE: 08/22/2000

ASSIGNEE:  
BEINE, TODD

DOC DATE: 08/23/2000

ASSIGNEE:  
IRASCHKO, RAINER ROBERT

DOC DATE: 08/23/2000

ASSIGNEE:  
RYHORCHUK, KENT WILFRED GEORGE

DOC DATE: 08/23/2000

ASSIGNEE:  
ONI SYSTEMS CORP.  
166 BAYPOINTE PARKWAY  
A DELAWARE CORPORATION  
SAN JOSE, CALIFORNIA 95134-1621

SERIAL NUMBER: 09648672  
PATENT NUMBER:

FILING DATE: 08/23/2000  
ISSUE DATE:

011038/0052 PAGE 2

MARY BENTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



09-07-2000



101451997

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PATENTS ONLY

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**Submission Type**

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Resubmission (Non-Recordation)

Document ID#

Correction of PTO Error

Reel #  Frame #

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Reel #  Frame #

**Conveyance Type**

Assignment  Security Agreement

License  Change of Name

Merger  Other

*U.S. Government*

(For Use ONLY by U.S. Government Agencies)

Departmental File

09/648672

Secret File

**Conveying Party(ies)**



Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name  HESTER, Stewart Kevin

08 22 2000

**Second Party**

Name  BEINE, Todd

Execution Date  
Month Day Year

08 23 2000

**Third Party**

Name  IRASCHKO, Rainer Robert

Execution Date  
Month Day Year

08 23 2000

**Fourth Party**

Name  RYHORCHUK, Kent Wilfred George

Execution Date  
Month Day Year

08 23 2000

**Receiving Party**



Mark if additional names of receiving parties attached



If document to be recorded  
is an assignment and the  
receiving party is not  
domiciled in the United  
States, an appointment of a  
domestic representative is  
attached. (Designation  
must be a separate  
document from  
Assignment.)

Name (line 1)  ONI SYSTEMS CORP.

Name (line 2)  A Delaware Corporation

Address (line 1)  166 Baypointe Parkway

Address (line 2)

Address (line 3)  San Jose  California  95134-1621

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project 0651-0027, Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner For Patents, Box Assignments, Washington, D.C. 20231

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MAR 09 2001

Correspondent Name and Address

Area Code Technology Center 2660 858-7997

JCS 09/648672 PRO  
08/23/00

Name Edward A. Van Gieson  
Address (line 1) Fenwick & West LLP  
Address (line 2) 2 Palo Alto Square  
Address (line 3) Palo Alto, CA 94306  
Address (line 4)

Pages Enter the total number of pages of the conveyance document including attachments # 2

Application Number(s) or Patent Number(s)

Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

<input type="text"/>					
<input type="text"/>					
<input type="text"/>					

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year  
08 23 2000

Patent Cooperation Treaty (PCT)

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned

PCT  PCT  PCT   
PCT  PCT  PCT

Number of Properties

Enter the total number of properties involved. # 1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment

Enclosed

Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-2555

Authorization to charge additional fees:

Yes  No

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Edward A. Van Gieson

Name of Person Signing

Edward Van Gieson

Signature

8/23/00

Date

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to ONI Systems Corp., a Delaware corporation, having a place of business at 166 Baypointe Parkway, San Jose, CA 95134-1621 ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the application for United States Letters Patent entitled: **FAULT DETECTION AND ISOLATION IN AN OPTICAL NETWORK ("APPLICATION")**, which:

is to be filed herewith

was filed on \_\_\_\_\_, (YYYY), now bearing U.S. serial number \_\_\_\_\_

and for which a Declaration was executed by INVENTOR on the date(s) below; and

2. The entire worldwide right, title, and interest in and to:

(a) the APPLICATION, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; and (c) any patents which may be granted on the applications set forth in (a) and (b) above.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has made or will make hereafter no assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

Name and Signature

STEWART KEVIN HESTER

State of California  
County of Santa Clara

Date of  
Signature

Aug 22, 2000

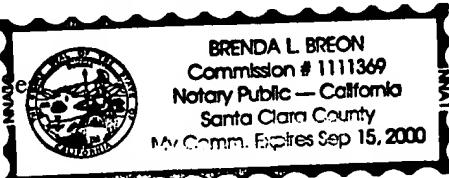
Date Declaration  
Executed By This Person

Aug 22, 2000

On August 22, 2000 before me, Brenda L. Breon personally  
[DATE] [NOTARY PUBLIC]

appeared STEWART KEVIN HESTER personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary seal



Brenda L. Breon  
Notary

Title of Document: ASSIGNMENT

Re:

Title:

FAULT DETECTION AND ISOLATION IN AN OPTICAL NETWORKName and Signature*Todd Beine*

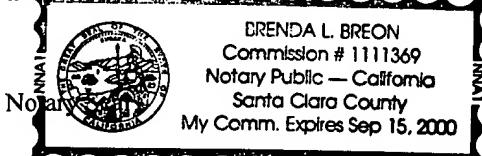
TODD BEINE

Date of  
SignatureAug 23, 2000Date Declaration  
Executed By This PersonAug 23, 2000State of CaliforniaCounty of Santa ClaraOn August 23, 2000

[DATE]

before me *Brenda L. Breon* personally  
[NOTARY PUBLIC]

appeared TODD BEINE personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.


*Brenda L. Breon*  
Notary
Name and Signature*Rainer Robert Iraschko*

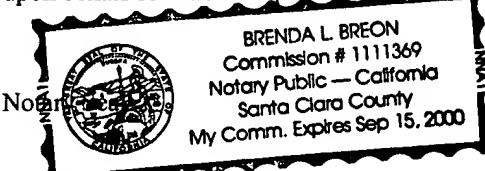
RAINER ROBERT IRASCHKO

Date of  
SignatureAug 23, 2000Date Declaration  
Executed By This PersonAug 23, 2000State of CaliforniaCounty of Santa ClaraOn August 23, 2000

[DATE]

before me *Brenda L. Breon* personally  
[NOTARY PUBLIC]

appeared RAINER ROBERT IRASCHKO personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.


*Brenda L. Breon*  
Notary
Name and Signature*Kent Wilfred George Ryhorchuk*

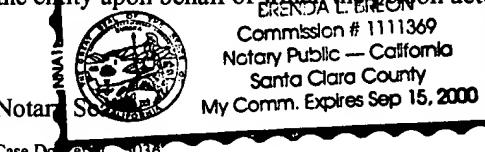
KENT WILFRED GEORGE RYHORCHUK

Date of  
SignatureAug 23, 2000Date Declaration  
Executed By This PersonAug 23, 2000State of CaliforniaCounty of Santa ClaraOn Aug. 23, 2000

[DATE]

before me *Brenda L. Breon* personally  
[NOTARY PUBLIC]

appeared KENT WILFRED GEORGE RYHORCHUK personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.


*Brenda L. Breon*  
Notary